

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

RENE MEDINA,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
v.)	2:05cv614-T
)	(WO)
SCOTT A. MIDDLEBROOK,)	
)	
Respondent.)	

ORDER

This cause is now before the court on petitioner's notice of appeal (Doc. No. 7), which the court is treating as a motion for certificate of appealability.

To obtain a certificate of appealability the prisoner must make a "substantial showing of the denial of a constitutional right." 28 U.S.C.A. § 2253(c)(2). The court finds that the petitioner has failed to make this showing.

Accordingly, it is ORDERED that petitioner's motion for a certificate of appealability is denied.

DONE, this the 26th day of September, 2005.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE